

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

MEMORANDUM AND ORDER

Pending is Respondent Dretke's Amended Motion for Summary Judgment. (Dkt. No. 17.) Magistrate Judge Diana Saldaña filed a Report and Recommendation on January 11, 2008, to which no objections were filed. Judge Saldaña recommends that the motion be granted.

Having reviewed the report for clear error,¹ this Court concludes that the Report and Recommendation should be and is, hereby, ACCEPTED, in its entirety.

It is, therefore, ORDERED that the Amended Motion for Summary Judgment be GRANTED. The original Motion for Summary Judgment (Dkt. No. 16) is DENIED as moot. Ruiz-Garcia's § 2254 petition for a writ of habeas corpus shall be dismissed. The

¹ "The advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglass v. United Svs. Auto. As'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. Civ. P. 72(b) advisory committee's note (1983)).

dismissal will be with prejudice except for the confiscation-of-funds claim, which will be dismissed for lack of jurisdiction.

DONE at Laredo, Texas, this 9th day of February, 2008.



George P. Kazen
United States District Judge